

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33228

STATE OF IDAHO,)	2008 Unpublished Opinion No. 624
)	
Plaintiff-Respondent,)	Filed: August 27, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
BARBARA LYNN DEHL,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Joel D. Horton, District Judge.

Order denying I.C.R. 35 motion for reduction of sentences, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Barbara Lynn Dehl was indicted by a grand jury on two counts of kidnapping and one count of trafficking in methamphetamine and, pursuant to a plea agreement, pled guilty to one count of kidnapping, I.C. § 18-4501, and an amended charge of delivery of a controlled substance, I.C. § 37-2732(a). The district court sentenced Dehl to concurrent unified terms of fifteen years, with five years determinate, for the kidnapping charge and to seven years, with two years determinate, for the drug delivery charge. Dehl filed an Idaho Criminal Rule 35 motion for reduction of sentences, which the district court denied. Dehl appeal, contending that the district court abused its discretion by denying her Rule 35 motion.

A Rule 35 motion is a request for leniency which is addressed to the sound discretion of the sentencing court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information

subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by denying Dehl's Rule 35 motion for reduction of sentences. Accordingly, the order of the district court denying Dehl's Rule 35 motion is affirmed.